

**MINUTES
PLANNING BOARD
TUESDAY, MARCH 17, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Steve Lee; Vice-chair: Rob Markiewitz; Members Gary Turner, David Pratt, Eric Welsh, Eric Johnson and Michael Ham; Alternate members Barbara Dement and David Barley; Town Attorney Craig Buie; Youth Voice Benjamin Dodson and Sarah Ward; Planning Director Kathi Ingrish, Senior Planner Jay Camp and Zoning Technician/Deputy Town Clerk Betty Lynd.

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:04 p.m.

APPROVAL OF THE MINUTES

Mr. Michael Ham made a motion to approve the minutes of the February 24, 2015 meeting as submitted. Mr. Eric Welsh seconded the motion and the vote was unanimous.

ZONING APPLICATION #2014-623, MARA, 1200 BLOCK OF S TRADE STREET, FROM RU AND R-15 TO R/I(CD)

Senior Planner Jay Camp reviewed for the board the proposed zoning request submitted by MARA for RU and R-15 to R/I(CD) located in the 1200 block of South Trade Street. Mr. Camp stated that there were very few changes since the public hearing. He explained the site plan in the packet material remained unchanged since the public hearing, although the applicant did plan on making one final set of changes before the Town Board meeting which will render the final decision. The applicant would like to make those changes in conjunction with town staff and boards to make sure the site plan is ready for the final decision. The only changes that have been made to the site plan since the public hearing is the removal of "Parking Area C". There will now be no vehicular access or parking at the rear of the site. Mr. Camp also stated that the parking along South Trade Street will have newly installed parking barriers to block cars from interfering with pedestrian traffic. This applicant also has variances scheduled with the Board of Adjustment on March 18, 2015. A final decision will be made on this application on Monday, March 23, 2015.

Mr. Eric Welsh asked what kind of barrier would be installed along South Trade Street. Mr. Camp stated that while that detail had not been discussed, the standard would be a concrete barrier consistent with a wheelstop. Mr. Welsh asked if there would be any landscaping between the road and parking. Mr. Camp answered that the right-of-way in that area is very tight and staff is not sure if a tree barrier is possible. The main concern is that pedestrian traffic is not blocked.

Mr. Lee asked if the site would retain its current two egress points. Mr. Camp stated the site would retain both. Mr. Lee stated that the current parking consists of a gravel lot. He asked if there were plans to pave the parking and if the parking would consist of fewer or greater parking spots. Mr. Camp answered that the intent of the plan is to have 430 parking spaces which meets the Town's code requirement for the athletic fields as well as retain all gravel parking surfaces. This is a combination of retaining the existing gravel as well as a variance which will be discussed March 18, 2015 to be allowed to maintain the gravel as well as any modifications or expansions to site to keep it consistently gravel.

Mr. David Barley asked if there were any plans for future athletic fields. Mr. Camp stated that they have areas shown for future expansion, but as MARA moves forward, the types of sports played could differ. That would be a question better-suited towards the applicant. Mr. Barley stated that it was just for general information due to the fact that the site is likely not conforming to the Town's light ordinance, so he wanted to know if future expansion would be required to meet standards such as being shielded. Mr. Camp stated that any future expansion would be subject to the Town's Ordinance.

Mr. Lee asked if the discussion of a proposed heightened cell tower on the site was in play at this meeting. Mr. Camp stated that the proposed heightened cell tower was a separate action item. The Town's ordinance

requires the site plan approval of the height extension to go straight to the Town Board of Commissioners. Mr. Lee asked if there were any notes on the site plan regarding the cell tower height. Mr. Camp stated note number three (3) under conditions references a 120 foot (120') communications tower which includes the 40 foot (40') extension. Those are two separate votes that will occur on Monday, March 23, 2015. Mr. Lee asked if by voting on this zoning document, if the board was documenting their agreement with the cell tower height. Mr. Camp stated that the Town's perspective is that the cell tower height and MARA rezoning request are two separate issues. Town Attorney Craig Buie stated that they could vote on the rezoning without giving a favorable recommendation to the cell tower height extension. Mr. Lee stated that the Board is recommending approval or denial of a site plan that is conditional. Mr. Camp stated that is true, but he did not foresee any major changes to the site plan before the board other than the aforementioned parking and final revisions to the conditional notes before Monday night.

Mr. Lee asked if the petitioner was present. Ms. Susan Irvin, attorney for the petitioner, stated that she was available for questions along with the petitioner.

Mr. Lee opened the floor for discussion amongst the board. Mr. Lee stated that he believed this rezoning was in keeping with the Town's goal of bringing everyone into compliance with the Unified Development Ordinance. He also stated that the changes made to the site plan seemed to be in the spirit of what currently happens on the site.

Mr. Eric Welsh stated that his biggest concern was the "Future Parking C" area of the site plan. This has since been removed. He also stated that he did not remember seeing any public opposition to this application during the public hearing. Mr. Lee stated that most of the discussion of this site during the public hearing was concerning the communications tower height.

Mr. Michael Ham asked if the approval of this application is based on the applicant receiving approval of the variances at the Board of Adjustment meeting. Mr. Camp stated that as the plan is currently designed and as the conditional notes are written, the applicant would need to secure all variances to be able to move forward. There could be further modifications to the conditional notes and site plan depending on what the Board of Adjustment grants.

Mr. Ham made a motion to approve based on the requested zoning action, as reviewed by Planning Board, is not but could be consistent with the Matthews Land Use Plan, if the variances requested from Board of Adjustment are granted. Mr. David Pratt seconded the motion. The motion carried unanimously.

ZONING APPLICATION #2014-624, SQUIRES REALTY/WOODIES, 9601 INDEPENDENCE POINTE PKY, FROM B-1(CD) TO B-H(CD)

Mr. Camp stated that there were a few changes made to the application since the public hearing. There was a question from Planning Staff on the monument sign being shared for the development or individual for the tenant. The petitioners have been in contact with the previous tenants who have indicated that the sign is for that individual property. Staff is still waiting on confirmation of this. Under permitted uses within the notes, when the plan went to public hearing, it stated that any use permitted in the B-H district was a permitted use. The note now states any use permitted in the B-H district is a permitted use, but also lists uses that will not be allowed on the site. Mr. Camp read these uses out loud to the board. Mr. Camp stated there was also a question about exterior storage of motor vehicle repair items. A note was added stating no exterior storage would be allowed. Mr. Camp explained that the applicant has also been reminded by Staff that the state is continuing the process of the Sam Newell fly over project. There is not a fixed design or a firm date on construction for the project.

Mr. Lee asked where the refuse location would be. Mr. Camp showed the dumpster locations on the site plan remaining in the same place they currently reside on the property. Mr. Lee asked if there was additional screening around those areas. The petitioner, Brad Woodie stated that the dumpster locations were currently nothing more than a concrete pad. They have plans to wall those areas off.

Mr. Gary Turner asked if the HVAC system would be located on the roof. The architect on the project, Denny Gappens, with AI Design Group stated that the HVAC system would remain in its current position on the roof. Mr. Gappens also commented that the units would be hidden further by the addition of parapet walls. Mr. Lee

asked if that meant the new parapet walls would be taller than the existing ones. Mr. Gappens indicated that they would be higher.

Mr. Ham asked what would happen concerning oil storage, etc. from cars being worked on. Mr. Woodie explained that the oil would be stored in a separate room inside until a licensed recycler would come to pick up the used oil.

Mr. Markiewitz asked how the fly over project and its effects to Independence Boulevard would impact Mr. Woodie's business. Mr. Woodie explained that they are really counting on Independence Pointe Parkway becoming a retail corridor, as NC DOT has mentioned making it a parallel connector road. Mr. Woodie also stated that he is more hopeful to gain customers within the Matthews community than up and down Independence Boulevard. Mr. Markiewitz asked if Mr. Woodie anticipates a negative impact to his business due to Independence Boulevard being cut off. Mr. Woodie explained that his answer would depend on which version (freeway or express way) of the project NC DOT chooses to go forward with, due to the differences in required right-of-way. If they were to lose a significant portion of the building and parking lot, that would obviously mean trouble for the business. Mr. Markiewitz asked if that meant that Woodie's would do all this work concerning a new location, be impacted by the NC DOT projects, and then file a claim for loss of business. Mr. Woodie explained that if the business is significantly impacted, they would lose the business. Mr. Eric Johnson asked if Mr. Woodie was then considering Independence Pointe Parkway as the major part of the business's plans. Mr. Woodie stated that the main access would be off of Independence Pointe Parkway either way. The business does not plan on relying on Independence Boulevard in any capacity. To the point of putting a lot of work into the project, Mr. Woodie reminded the board that he would be utilizing the existing structure.

Mr. David Pratt asked if customer vehicles would be stored inside the building after hours and not within the parking lot. Mr. Woodie stated that all vehicles would be stored inside the building for the safety of the customers' belongings.

Mr. Barley stated that he believed the Park-and-Ride across the street would help with attracting customers. Mr. Woodie stated that it would be convenient for his business to have the car for the day to work on, when it would generally be parked across the street anyway.

Ms. Dement asked if this project would be similar to the Woodie's location currently at Carmel Road. Mr. Woodie stated that it would not be exactly the same, but it would look similar and would be considered a sibling location.

Mr. Camp added that there is a slight difference between the Woodie's case and the recently heard Newk's Eatery case. The Woodie's case before the board is an adaptive reuse meaning that they are using the existing structure and parking remains unchanged. The Town is getting use out of a building that may or may not have a limited life span. The Newk's case, however, wanted to add square footage and move parking closer to the construction on Independence Boulevard.

Mr. Lee opened the floor for board discussion. He stated that he was pleased with the aesthetic changes and plans for customer parking. From a business perspective, the applicant realizes that they are taking a risk and should make plans to handle that risk accordingly.

Mr. Markiewitz stated that as a taxpayer, you could pay more in claims than the Town of Matthews would receive back in taxes. Mr. Welsh stated that would be a NC DOT issue. Mr. Markiewitz agreed, but stated the money would be coming out of taxpayer pockets. Mr. Barley stated that the road construction could diminish the value of the property, but hopefully would not take it all. Mr. Welsh stated that you had to weigh that point against leaving the building unoccupied as-is while the NC DOT is working.

Mr. Lee stated that the Park-and Ride, like Mr. Barley mentioned, could be beneficial to the business.

Mr. Turner commented that it was a well-designed business in a good location. It seems like an appropriate use of the space.

Mr. Turner made a motion to recommend approval of the application and that it is consistent with the policies for development as outlined by the Matthews Land Use Plan and/or the Town's long-range Vision Statements, and/or other adopted policies/plans. Mr. Welsh seconded the motion and the vote was unanimous.

ZONING APPLICATION #2015-625, LPA CREWS LLC, 855 SAM NEWELL ROAD, CHANGE OF I-1(CD) CONDITIONS TO ADD CHURCHES AS AN ALLOWED USE

Mr. Camp explained that there were no changes since the public hearing concerning this case. The Church at Charlotte is looking to lease approximately 10,723 square feet from the Crews Business Park on Sam Newell Road. They will be utilizing Section 155.607.C.1 of our Unified Development Ordinance, which allows assignment of off-street parking spaces. The base number of parking spaces at this site is 112. Due to the infrequent times in which churches and places of worship trigger abundant parking, the applicant has provided a spreadsheet showing business hours, and that there will not be an overlap between current tenant business hours and church operation hours. Therefore, this is how they are meeting the parking requirements of the code.

Ms. Dement asked what would happen concerning funerals since they are not an event that can be planned for and can trigger traffic and congestion. Mr. Camp stated that this is more of a branch location for this church. The petitioner stated that funeral events would still take place at the church's main campus location.

Mr. Gary Turner stated for the record that he is an employee of the petitioner and therefore would like to excuse himself from discussion concerning this case.

Mr. Ham asked what the proposed parking allotment would be for the church's space because they would already have some parking allotted to them based on their section of the building. Mr. Camp stated that they would be generating 67 parking spaces. Mr. Ham asked if there were currently 112 spaces. Mr. Camp said that was correct. Mr. Ham asked if it was correct that the church was being allotted 80 spaces based on their occupancy in the building. Mr. Camp stated that those spaces are being assigned for a dedicated time and day, which is after hours and weekends. Mr. Ham asked if parking spaces were allotted by square footage. Mr. Camp stated that is correct. Mr. Ham then stated that those 80 spaces should also be allotted to the church during the weekday too based on their square footage of occupancy. Mr. Camp explained that weekday times would have put the applicant over the maximum parking for seven days a week/24 hour parking. The only way to allow the church use at this location would be to utilize the section of the Unified Development Ordinance which allows the restriction of hours on parking. With that said, a small number of staff members could be there, but for a full worship service, the hours would be restricted. Mr. Ham stated that the current business tenants will have a lot of empty spaces available to them during the week because the church will not be using them.

Mr. Barley asked if the church wanted to add a Wednesday night service, the church would have to find a way to show staff that parking would not be an issue with that time frame. Mr. Camp stated that the other businesses are closed during the night time except for the dance studio. Ms. Kathi Ingrish stated that just like any other facility with multiple uses that share parking areas, the parking is available for institutional and non-institutional uses. If there is a change in the mix of uses, the parking count would be recalculated. In this case, this would allow for churches to relate to the parking standards. In this particular case, staff has been able to determine that parking is adequate for this church. If another church were to come into the building, the parking calculation would change again.

Mr. Lee asked to what extent parking plays a role in what the board is being asked to do because parking is so variable. Mr. Camp stated that all the Planning Board was being asked to do was recommend or not recommend that churches be an allowed use. The parking situation was given as background to show how the use would fit into the site. Mr. Lee asked if the buildings were owned by the same developer. Mr. Camp explained that it was one building and the building is owned by Lat Purser & Associates, Inc. Mr. Lee asked if the primary entrance to each separate tenant played a role in where parking was located, because cars would be parked closest to that tenant's entrance. Mr. Camp showed a layout of where each tenant resides in the building on the screen.

Mr. Welsh asked if approving churches as an allowed use would just apply to this parcel. Mr. Camp stated that was correct. Mr. Barley asked if this would normally be a use by right if this site was not conditional. Mr. Camp

explained that was correct. When the site was approved, churches were somehow struck from the list of allowed uses.

Mr. Ham asked based on what Ms. Ingrish stated, if the board approved this would any church would be allowable on the site, if so what would the process be if two churches occupied this same building. Would the second church have to ask for a parking variance? Mr. Camp stated that any subsequent churches would have to provide the same documentation as this current church has to prove that the hours do not overlap. Mr. Lee asked if hours could be a condition of the board's recommendation. Mr. Camp stated that it could not.

There were no questions for the petitioner from the Board. Mr. Craig Buie stated that an alternate member needed to be added. Mr. Lee stated the board needed to vote in an alternate to be a voting member due to Mr. Turner's excusing himself from discussion. The board voted unanimously that Ms. Dement be a voting member for this application.

Mr. Ham made a motion to recommend approval of this application and that it is consistent with the policies for development as outlined by the Matthews Land Use Plan and/or the Town's long-range Vision Statements, and/or other adopted policies/plans. Mr. Pratt seconded the motion. The motion passed unanimously.

CANCEL MARCH 24, 2015 REGULAR MEETING

Ms. Ingrish indicated that there was a need to have a meeting on March 24, 2015. There will be an Administrative Amendment and reviewing of a list of priorities for small area plans. Mr. Ham stated that he would not be able to make that meeting.

ADJOURNMENT

Mr. Welsh made a motion to adjourn the meeting at 7:44 p.m. Mr. Johnson seconded the motion. The motion passed unanimously.

Respectfully submitted,



Betty Lynd
Zoning Technician/ Deputy Town Clerk